

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CYRIL OGBONNA &
DEBRA OGBONNA,

Plaintiffs,

v.

Case No. 09-13965

MACOMB COUNTY ET AL.,

Honorable Arthur J. Tarnow

Defendants.

ORDER CONDITIONALLY GRANTING
PLAINTIFFS' APPLICATION FOR APPOINTMENT OF COUNSEL [16]
and
STAYING CASE PENDING APPOINTMENT OF PRO BONO COUNSEL

Before the Court is Plaintiffs' Application for Appointment of Counsel [16].

The Court notes that "[a]ppointment of counsel in a civil case is not a constitutional right." *See Lavado v. Keohane*, 992 F.2d 601, 605 (6th Cir. 1993). However, in its discretion, a court may appoint an attorney to represent any person unable to afford counsel, and here, Plaintiffs' affidavit demonstrates sufficient financial need to support the application. *See* 28 U.S.C. § 1915(e). Therefore,

IT IS ORDERED that this matter is referred to the Court's *pro bono* program for the appointment of counsel.

IT IS FURTHER ORDERED that Plaintiff's Application for Appointment of Counsel [16] is **CONDITIONALLY GRANTED**.

IT IS FURTHER ORDERED that if reasonable efforts to assign *pro bono* counsel are

unsuccessful, this matter will be returned to the Court's docket, and Plaintiffs may proceed *pro se*.

IT IS FURTHER ORDERED THAT further proceedings in this case are hereby **STAYED** pending whether counsel is appointed or Plaintiffs proceed *pro se*.

SO ORDERED.

s/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge

Dated: December 23, 2010

I hereby certify that a copy of the foregoing document was served upon Cyril Ogbonna, 431 North Main Street, Royal Oak, MI 48067 and counsel of record on December 23, 2010, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Relief Case Manager